

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of David Randle

TIRC Claim No. 2011.006-R

FILED

JUN 18 2012

DOROTHY BROWN
CLERK OF CIRCUIT COURT

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), it is the decision of the Commission that, by a preponderance of the evidence, there is sufficient evidence of torture to conclude the Claim is credible and merits judicial review for appropriate relief. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. On January 4, 1991, Claimant David Randle ("DR") was taken from his mother's home by detectives from Area 2, including George Basile, for questioning regarding a homicide which had taken place several weeks earlier.
2. Although Jon Burge had been reassigned to Area 3 by this point, Basile had worked as a subordinate of Burge at Area 2 since the 1970s.
3. During the course of the questioning at Area 2, Basile squeezed DR's testicles until DR agreed to confess. The content of DR's confession, which was written by an Assistant State's Attorney ("ASA"), is attached as Exhibit A.
4. DR was later indicted for the homicide in the Circuit Court of Cook County, case no. 91 CR 02172.
5. DR testified in 1992 before trial at the hearing on his motion to suppress his confession that Basile squeezed his testicles until DR agreed to confess, and that as a result DR did confess. (See Exhibit B) Basile admitted in his testimony at the hearing on the motion that he obtained the first admission from DR, and that he was always present when DR confessed either orally or in writing. (Exhibit C at C7-C10, C14-C16)

6. Since the motion to suppress was heard, the following evidence has emerged:

a. In 1990 the Office of Professional Standards of the Chicago Police Department concluded after an internal investigation that there had been systemic abuse at Area 2 for over 10 years. The Report was not released publicly until 1992.

b. On November 12, 1991, Jon Burge was suspended, and on February 11, 1993, the Police Board of the City of Chicago separated him from his position as a Commander with the Department of Police after finding him guilty of abusing Andrew Wilson at Area 2 in 1982.

c. In 2002 Chief Cook County Criminal Court Judge Paul Biebel appointed a Special State's Attorney to investigate allegations of torture by police officers under the command of Burge at Areas 2 and 3 to determine if any criminal prosecutions were warranted. Although the 2006 Report concluded that the statute of limitations barred any criminal prosecutions, the Report found that "[t]here are many other cases which lead us to believe that the claimants were abused". (Report of the Special State's Attorney at 16) On the occasion of the Report's release, the Special State's Attorney stated that he believed the abuse was an "ongoing" practice, and had occurred in approximately half of the 148 cases which were investigated. (Remarks by Special State's Attorney on July 19, 2006, as reported in the Chicago Tribune on July 20, 2006, attached as Exhibit D)

7. TIRC records, attached as Exhibit E, indicate that Basile has been accused of abusing detainees in 10 other cases. Included are two cases in which the detainees were threatened with damage to their "nuts", and one where the detainee was shocked on his testicles. In addition, Basile was involved in the interrogation of George Powell, regarding which the City of Chicago admitted on January 22, 1992 in the Police Board hearing resulting in Burge's separation that Powell had been repeatedly shocked on his stomach and chest, and had also been "bagged". (See Exhibit F) Basile has asserted the 5th Amendment privilege against self-incrimination when questioned about physically abusing Powell and other detainees.

8. DR's conviction at trial was based almost solely upon his confession¹. There were no eyewitnesses to the murder, and no physical evidence placing DR at the crime scene at the time of the murder. In fact, the date and time of the crime are inconclusive. The confession states that it occurred on December 14, 1990, a Friday. However, the body was not discovered until December 18, the following Monday, and the autopsy report states that there was no evidence of lividity at that time, even though it was 4 days after the confession says that the victim was killed. (Excerpts of Transcript of Proceedings dated February 2, 1993 attached as Exhibit G) In addition, a neighbor of the victim testified that he saw her alive on Saturday, the 15th. (Excerpts

¹ The TIRC is not finding that DR is necessarily factually innocent of the offense, only that the weakness of the case against DR gave added incentive to coerce a confession to bolster that case.

of Transcript of Proceedings dated February 2, 1993, attached as Exhibit H, at K89-K95)² In short, the confession conflicts with the autopsy report and the testimony of the neighbor regarding the date of the murder.

9. In addition, the narrative of the confession is far from convincing. It states that DR, the victim's neighbor who had done odd jobs for her before, was at her home fixing a toilet while she was having a conversation on the phone. During this conversation the "old lady, about 74 years old", became upset and pulled the receiver out of the wall. Then she, so the confession relates, for no apparent reason went berserk and attacked DR with a knife. DR, also for no apparent reason, then went berserk as well, grabbing the knife and stabbing the victim to death. He does not know how many times he stabbed her. On his way out he took the victim's gun (which is never recovered). While not impossible, it certainly seems a wildly improbable chain of events.

10. On direct appeal from his conviction DR argued that the trial court erred in finding that his confession was voluntary, but the Appellate Court deferred to the trial court's finding that the testimony of the detectives and the ASA was more credible than that of DR. People v. Randle, 277 Ill.App.3d 788, 801, 661 N.E.2d 370 (1 Dist. 1995)

11. In 2003 DR again raised his coercion claim in a Successive Post-Conviction Petition, but the Petition was dismissed on procedural grounds without reaching the merits of the claim.

12. DR asserted his claim once more with the Special State's Attorney, but the case was closed for lack of corroborating evidence³.

13. DR raised his coercion claim yet again in another Post-conviction Petition filed in 2006, but this was also dismissed on procedural grounds.

Conclusions

1. DR has consistently claimed since his motion to suppress that he was coerced into confessing because Basile squeezed his testicles. While repetition of a claim does not necessarily make it true, consistency in asserting a claim from an early stage in the case is an important factor in judging the credibility of a Claim before the TIRC. While there is no medical or physical evidence corroborating DR's claim, this is not surprising given that this abuse would not be expected to leave marks or show up in a physical examination later.

² Another neighbor admitted that he told the police after the discovery of the body that he had seen the victim alive on Monday the 18th, but at trial he claimed that he had been mistaken and that he last saw her on the 14th. (Exhibit H at K96-K101)

³ That office was investigating the possibility of criminal prosecutions of the detectives, and therefore employed the standard of proof beyond a reasonable doubt.

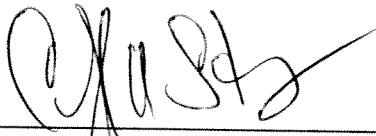
2. Another significant factor, of which the trial judge was not aware, is Basile's history of strikingly similar allegations of abuse. It is certainly noteworthy that Basile admits getting the first admission from DR, and he was always present when DR confessed either orally or in writing.

3. There was a strong incentive to coerce a confession in this case due to the pronounced lack of evidence against DR, and his Claim is also buttressed by the improbable content of the confession.

4. While the complaints of physical abuse and coercion against Basile are allegations and not judicial findings, they are nevertheless relevant in deciding whether abuse occurred in a specific case. People v. Patterson, 192 Ill.2d 93, 114-15, 735 N.E.2d 616 (Ill.Sup.Ct. 2000); People v. Cannon, 293 Ill.App.3d 634, 640, 688 N.E.2d 693 (1Dist. 1997)

5. While invocation of the 5th Amendment is not an admission of guilt, in a civil proceeding such as this a negative inference can be drawn from that fact. 2 Ill. Adm. Code 3500.375(g)

Dated: June 18, 2012



Cheryl Starks
Chair

Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

David Randle's Statement

1 when you first -- When you last saw it on January 5,
2 1991?

3 A It's in exactly the same condition.

4 MS. FEERICK: Your Honor, at this time I would ask
5 that the witness be allowed to publish this document.

6 THE COURT: Mr. Kennelly.

7 MR. KENNELLY: Judge, we will reserve all cross
8 until after she's published it.

9 THE COURT: All right, fine. The document is then
10 in evidence and it will be published. Go right ahead.

11 A "Statement of David Randle. Taken January 5,
12 1991 at two o'clock at Area 2 violent crimes. Present
13 A.S.A. D. Matthews, Detective Jim Boylan, star 16650,
14 Detective George Basile, B-a-s-i-l-e, star 4472.

15 This statement taken regarding the stabbing
16 of Sophia Lorek which occurred on December 14, 1990 at
17 12157 South Justine at 6 o'clock p.m.

18 I understand I have the right to remain
19 silent and that anything I say can be used against me
20 in a court of law.

21 I understand that I have the right to talk to
22 a lawyer and have him present with me during
23 questioning and if I cannot afford to hire a lawyer
24 one will be appointed by the Court to represent me

1 before any questioning.

2 Understanding these rights I wish to give a
3 statement."

4 And underneath that is signed David Randle.

5 "After being advised of his Constitutional
6 rights and stating he understood each of these rights
7 and stating that he understood that Dorothy G.
8 Matthews is an assistant state's attorney, a lawyer
9 working with the police and not his lawyer, David
10 Randle agreed to give the following statement in
11 summary.

12 David Randle stated that he is 21 years old.
13 He has known Sophia Lorek for twelve years. David
14 Randle knows Sophia Lorek resides at 12157 South
15 Justine because he has done odds jobs for her for a
16 number of years, such as cutting the grass, raking
17 leaves and fixing faulty plumbing.

18 Sophia Lorek is an old lady, about 74 years
19 old. David Randle came to Sophia Lorek's home on
20 December 14, 1990 at approximately 5:30 p.m. at her
21 request to fix a broken toilet. He wore gloves", and
22 in parens it says "rubber" during the time he was
23 fixing the toilet"

24 When David arrived at Sophia Lorek's house

1 she was on the phone with someone. She was involved
2 in a loud conversation. David Randle went to the
3 bathroom and began to fix the toilet using a plunger.
4 After he completed the work he came out to the kitchen
5 and Sophia was still on the phone.

6 Sophia became upset on the phone and pulled
7 the receiver out of the wall. Sophia then grabbed a
8 knife with a wooden blade approximately six inches
9 long and began waving it at David Randle. David
10 Randle tried to grab the knife away and in so doing
11 pushed Sophia Lorek.

12 Sophia Lorek again waved the knife at David
13 Randle, at which time he grabbed the knife from her
14 hand and stabbed Sophia Lorek. David Randle does not
15 know how many times he stabbed her but he knows he
16 stabbed -- he knows it was more than once.

17 David saw Sophia Lorek fall on the floor and
18 saw a lot of blood.

19 David Randle states he got scared when he saw
20 her on the floor and went out the back door. He
21 states he threw a brick in the window to make it look
22 like someone broke in, and then he left.

23 Before he left the house David Randle states
24 he took a gun off the dresser in Sophie Lorek's

1 bedroom. David Randle states he had gloves on when
2 fixing the plumbing and may have still had them on
3 when he stabbed her.

4 David Randle states he was treated well by
5 the police and by the assistant state's attorney. He
6 was not made any promises in return for his statement
7 nor was he threatened in any way."

8 And at the end it's signed David Randle, D.G.
9 Matthews, G. Basile and Detective Boylan.

10 MS. FEERICK: Thank you, Miss Matthews. I have
11 nothing further.

12 THE COURT: Mr. Kennelly.

13 MR. KENNELLY: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. KENNELLY:

16 Q Miss Matthews, you were working as a felony
17 review assistant on the 5th of January 1991, is that
18 right?

19 A That's correct.

20 Q You didn't -- You were working a shift that
21 began at six p.m. on the 4th of January, is that
22 right?

23 A The 4th of January, that's correct.

24 Q And when you first arrived at Area 2 it

EXHIBIT B:

Excerpts of testimony of David Randle at hearing on Motion to Suppress
Statements on April 24, 1992

1 MR. O'BRIEN: Yes, Judge.

2 THE COURT: Okay. Mr. Kennelly?

3 MR. KENNELLY: Your Honor, we call David Randall
4 at this point.

5 DAVID RANDALL,
6 called as a witness on behalf of the
7 Petitioner-Defendant, having first been duly sworn,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. KENNELLY:

11 Q. Sir, could you tell us your name please?

12 A. David Randall.

13 Q. Now, Mr. Randall, on January 4th of 1991 at
14 about 10:30 P.M., were you present in a trailer at
15 12150 South Justine?

16 A. Yes, I were.

17 Q. Did some police officers arrive at your
18 trailer at about that time?

19 A. Yes.

20 Q. What happened when those police officers
21 arrived there?

22 A. They knocked on the door.

23 Q. What happened when they knocked, sir?

24 A. My brother, Frank Randall, asked who is it.

1 clothes?

2 A. Plain clothes.

3 Q. Okay. And two police officers got in the
4 car with you?

5 A. Yes.

6 Q. How many police officers were at your
7 trailer, do you know?

8 A. Four.

9 Q. Okay. Did you recognize any of those
10 people?

11 A. Yeah.

12 Q. Do you know who they are now?

13 A. Yes.

14 Q. Who are those people?

15 A. Detective Boylen and McDermott and the other
16 two, but I just don't remember their name.

17 Q. Were those the other two detectives that
18 testified during these motions?

19 A. Yes.

20 Q. Now, after you got into the car with two of
21 the detectives, where did you go?

22 A. To 111th police station.

23 Q. And when you got to the police station at
24 111th Street, what happened once you got there?

1 A. They put me in a room. They handcuffed me
2 to the wall.

3 Q. Mr. Randall, at the time when you were taken
4 into custody, did you have anything with you at that
5 time?

6 A. Yes.

7 Q. What was that?

8 A. I had my wallet, and I had some medication
9 on me in my jacket pocket.

10 Q. What was the medication you had with you,
11 Mr. Randall?

12 A. Seizure medication.

13 Q. Do you know the name of the medication?

14 A. Dilantin.

15 THE COURT: And -- I didn't get it.

16 MR. KENNELLY: Dilantin.

17 And what is -- in your particular case,
18 what's the purpose of taking that Dilantin?

19 A. From having seizures.

20 Q. once you got to the police station on 111th
21 Street, what happened once you got there, sir?

22 A. Handcuffed me to the wall and left out.

23 Q. Okay. When you say they handcuffed you to
24 the wall, can you describe the area where you were

1 Q. Did you have a watch or a clock in that room
2 with you?

3 A. No, I didn't.

4 Q. Okay. Are these estimates of times that --

5 A. Yes.

6 Q. Now, after that twenty or thirty minutes,
7 you said another couple of detectives came in; is that
8 right?

9 A. Right.

10 Q. Do you know who those detectives were?

11 A. The detectives that left.

12 Q. Detective Wilkins who just finished
13 testifying?

14 A. Yeah. And the other one. I can't remember
15 his name.

16 Q. Can you describe what he looked like?

17 A. Yeah. He was kind of short, dark, curly
18 hair.

19 Q. Was that Detective Basile?

20 A. Yes.

21 Q. And when those two detectives came into the
22 room with you, what happened, sir?

23 A. They got to asking me questions.

24 Q. Do you know what sorts of questions they

1 were asking you?

2 A. Yes. They was telling me -- asking me
3 questions about Sophie Lorch, I denied it. And
4 they told me that my brother had already told them,
5 you know, saying, that I done it, and all this here.

6 Q. Okay. What happened after -- what happened
7 after they told you that your brother had said you
8 done it?

9 A. Nothing. They said they were fixing to take
10 him down to 11th and State and give him a polygraph
11 test and let him go home, and that I was going to be
12 next. They was going to take me to get a polygraph
13 test.

14 Q. What happened at that point, sir?

15 A. They never took me.

16 Q. Okay. Did anything else happen to you while
17 those detectives were in the room with you at that
18 point?

19 A. Yeah. One of -- the one Wilkins left out,
20 and Detective Basile stayed in there.

21 Q. Okay. So you were in the room alone for
22 awhile with Detective Basile?

23 A. Right.

24 Q. What happened while you were with Detective

1 Basile?

2 A. He got to asking me questions about it, and
3 he said, "You're going to tell me something about it
4 because I know you know," and then I told him that I
5 didn't know nothing.

6 Q. Okay. What happened when you told him you
7 didn't know anything?

8 A. And then he got to looking at the things
9 that I -- that they had took off me and put on the
10 desk. And I had some pills up there, my seizure
11 medication on the table in a plastic bag, and he
12 dropped it on the floor and stepped on it.

13 Q. What happened after he stepped on those
14 pills?

15 A. Then I told him I needed them because I had
16 not took any today.

17 Q. When you say you hadn't took any today, are
18 you talking about the day you were arrested?

19 A. Right.

20 Q. Okay. Now, the seizure medication, how many
21 times are you supposed to take that?

22 A. Three times a day.

23 Q. When was the last time you had taken that
24 medication before you got to the police station on

1 111th Street?

2 A. About eight o'clock.

3 Q. Would that be eight o'clock in the morning
4 or the evening?

5 A. In the evening.

6 Q. And when was the last time you were supposed
7 to take that medication?

8 A. At 11:00 or 12:00.

9 Q. Now, after you say Detective Basile stepped
10 on those pills, what happened next?

11 A. Then he walked up on me, and I was sitting
12 -- and I was sitting with my hand handcuffed to the
13 wall. And he just grabbed me by my testicles, and he
14 said, "You know something about Sophie Lorch." And
15 then he got to asking me questions about her and all
16 this, and I was answering him. And then he just kept
17 squeezing tighter and tighter.

18 Q. When you say squeezing tighter and tighter,
19 was he still holding on to your testicles then?

20 A. Yeah. Until he said -- he said until I tell
21 him the truth that I done it.

22 Q. Okay. What happened after that, sir?

23 A. So then I said I done it.

24 Q. Okay. Now, how long were you in there with

1 A. It wasn't in a bottle. It was in a plastic
2 sandwich bag.

3 Q. What does that medicine look like, capsules?

4 A. Yes, red and white.

5 Q. It's what?

6 A. Red and white. It was white with a red
7 stripe.

8 Q. Now, when Detectives Boylen and McDermott
9 left you in there, they left you alone in there, is
0 that right?

1 A. Detective who?

2 Q. Boylen and McDermott.

3 A. When they left --

4 Q. When they left to go take your brother to
5 11th and State, you were alone in that room; is that
6 right?

7 A. When they left out the room, two minutes
8 later the other two officers came in.

9 Q. And at that point your medicine was still
0 in the plastic bag on the table; is that right?

1 A. Yes.

2 Q. You stated then after Detective Wilkins
3 left, Detective Basile grabbed your testicles; is that
4 right?

1 A. Yes.

2 Q. And you said he kept squeezing them?

3 A. Yes, he did.

4 Q. Harder and harder?

5 A. Harder and harder.

6 Q. How long was he doing that for?

7 A. I would say about five minutes.

8 Q. Five minutes.

9 A. Three to five minutes.

10 Q. You didn't pass out, did you?

11 A. No, I didn't.

12 Q. If you know, what caused him to finally

13 stop?

14 A. Because I said, "Yes, I did it," because

15 that would have been the only -- he said that's the

16 only way he's going to stop if I tell him that I done

17 it.

18 Q. Now, a short time later did Detective

19 Wilkins come back?

20 A. Yes, he did.

21 Q. You told him that you did it too, didn't

22 you?

23 A. Yes.

24 Q. Detective Basile did not have your -- his

EXHIBIT C:

Testimony of Detective George Basile at hearing on Motion to Suppress
Statements on April 24, 1992

1 STATE OF ILLINOIS)

2 COUNTY OF COOK)

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)

6 STATE OF ILLINOIS)

7) Case No. 91-2172

8) Charge: Murder

9 -vs-

10 DAVID RANDLE)

11 REPORT OF PROCEEDINGS

12 REPORT OF PROCEEDINGS of the hearing before
13 the Honorable THOMAS HETT, Judge of said court on
14 the 24th day of April, A.D., 1992.

15 APPEARANCES:

16 HONORABLE JACK O'MALLEY,

17 State's Attorney of Cook County, by
18 MR. WILLIAM KOPEC,

19 Assistant State's Attorney,

20 For the People of the State of Illinois;
21 MS. RITA FRY,

22 Public Defender of Cook County, by
23 MR. JOSEPH KENNELLY,

24 Assistant Public Defender,

1 THE CLERK: David Randle.

2 MR. KENNELLY: Mr. Randle is now present
3 before the Court. This matter is a motion to
4 suppress statements which has been commenced and
5 continued from the 13th of April. At that time I
6 believe Mr. Randle testified and Detective Boylin
7 testified. Could the record reflect that the
8 witness has been sworn?

9 THE COURT: The witness was sworn in before
10 the court reporter came out.

11 G E O R G E B A S I L E.

12 Called as a witness on behalf of the People
13 of the State of Illinois, being first duly sworn,
14 was examined and testified as follows:

15 EXAMINATION.

16 BY MR. KOPEC:

17 Q Could you state your name and spell your
18 last name for the court reporter?

19 A George Basile. B-a-s-i-l-e.

20 Q What is your occupation?

21 A I'm a detective for the Chicago Police
22 Department.

23 Q Detective Basile, what unit of assignment
24 are you currently assigned to?

1 A I'm assigned to Organized Crime Division
2 of the Chicago Police Department Narcotics
3 Section.

4 Q How long have you been with the narcotics
5 section of the Organized Crime Division of the
6 Police Department?

7 A I've been there approximately one year.

8 Q Before you undertook that assignment what
9 office were you serving with the police
10 department?

11 A Previous to that I was stationed at Area
12 2 violent crimes 727 East 111th Street.

13 Q During what period of time were you a
14 member of Area 2 Violent Crimes?

15 A I was there for the years 1983 up until
16 1991.

17 Q How long had you been a Chicago police
18 officer?

19 A I have been a police officer for 24
20 years.

21 Q Detective, let me direct your attention
22 to the 4th of January of 1991, were you on duty on
23 the evening hours of that day?

24 A Yes, I was.

1 Q Directing your attention to approximately
2 10:30 p.m. Where were you at that time?

3 A 10:30 p.m. On that day I was at Area 2
4 Violent Crimes.

5 Q. What were you doing at Area 2 Violent
6 Crimes?

7 A Investigating a murder Sophia Lorek. And
8 in the course of that investigation had arrested
9 the defendant David Randle.

10 Q And where did the arrest of the defendant
11 take place?

12 A Took place in a trailer in the rear of
13 his home at 12150 South Justine.

14 Q Were you the detective primarily assigned
15 to this case?

16 A No, I was not.

17 Q Whose primary responsibility was this
18 homicide?

19 A It was Detective Boylin's case along with
20 Detective McDermott.

21 Q On the evening of the 4th of January of
22 1991 did you assist in this investigation in any
23 fashion?

24 A I did.

1 Q And how did that assistance manifest
2 itself?

3 A At Area 2 Violent Crimes I interviewed
4 the arrestee Detective Wilkens and I did as
5 Detectives Boylin and McDermott were at 11th
6 Street.

7 Q Did you assist in conducting other
8 investigation?

9 A I did.

10 Q And how did that assistance manifest
11 itself?

12 A At Area 2 Violent Crimes I interviewed
13 the arrestee.

14 Q During the course of this investigation,
15 Detective Basile, during the course of this
16 interview did you learn certain things?

17 A Yes.

18 Q What did you do with this information
19 that you learned during the course of this
20 interview?

21 A I made a phone call to 1121 South State
22 and informed Detective Boylin and McDermott of the
23 progress.

24 Q. Q. After speaking to Detective Boylin

1 or McDermott what did you do next?

2 A I had further conversation with the
3 defendant.

4 Q What happened next in the course of this
5 investigation?

6 A Detectives McDermott and Boylin arrived
7 back Area 2 approximately half hour later.

8 Q What happened then?

9 A I had conversation with Detective Boylin
10 and informed him that while he was gone I had a
11 conversation with the defendant and basically I
12 told him what the defendant had told me.

13 Q What did Detective Boylin do after you
14 informed Detective Boylin of these developments?

15 A He went in the same interview room and
16 talked to the defendant. I was present during that
17 conversation.

18 Q Was this about the homicide you were
19 investigating?

20 A It was.

21 Q Before this was done was it preceded by
22 anything?

23 A. Detective Boylin when we went into the
24 room asked him if he remembered his rights, his

1 Constitutional rights. He said he did. Detective
2 Boylin read them to him out of a book.

3 Q Were you present for this interview?

4 A I was.

5 Q When the defendant was an advised of his
6 rights again by Boylin, what did the defendant say
7 about his rights?

8 A He said he knew them. He had been advised
9 several times. He wanted to talk about the case.

10 Q Did you then speak about the case?

11 A Yes.

12 Q After that conversation between yourself
13 and the defendant and Detective Boylin came what
14 happened then?

15 A We notified the assistant state's
16 attorney.

17 Q About what time was that notification
18 made?

19 A Shortly before 1 o'clock in the morning
20 on the 5th of January.

21 Q Did a state's attorney respond to your
22 request?

23 A Yes.

24 Q. Who was that?

1 A Miss Matthews.

2 Q When Miss Matthews arrived at Area 2
3 Headquarters, what happened next?

4 A Apprised her of what was taking place in
5 the investigation. She and I entered the same
6 interview room and again talked with the
7 defendant.

8 Q Was the defendant advised of anything
9 before this conversation took place?

10 A Yes. Miss Matthews advised him again of
11 his Constitutional rights.

12 Q You remember how miss Matthews gave him
13 his rights?

14 A As I recall she read them.

15 Q What did the defendant say after he was
16 advised of his rights?

17 A Again that he had been advised of his
18 rights several times. He was familiar with them.
19 He did want to talk to her.

20 Q Conversation then was conducted?

21 A Yes.

22 Q Now when the conversation was conducted
23 by yourself and State's Attorney Matthews and
24 conversation came to and end, what happened next?

1 A Left the defendant in the room. And a
2 short period of time passed. Again I entered the
3 room where the defendant was along with Miss
4 Matthews and Detective Boylin.

5 Q What happened at this point?

6 A Miss Matthews again asked the defendant
7 if he still wanted to make a statement. He said he
8 did. She explained certain things to him including
9 the fact that she was going to reduce his oral
10 statement to a handwritten statement. If she did
11 this she asked him if he would sign it. He said he
12 would.

13 Q Was there a conversation conducted at
14 that time?

15 A There was.

16 Q After that conversation, this
17 conversation between yourself and the defendant
18 and the state's attorney and Detective Boylin came
19 to an end, what happened next?

20 A The three of us left the room. The
21 defendant stayed in that room. Of course Miss
22 Matthews reduced that conversation to handwritten
23 form. We re-entered the room a short time later
24 along with Detective Boylin and Miss Matthews gave

1 the statement to the defendant, he read it.

2 Q Detective Basile, I'm going to show you a
3 three page document which is marked as People's
4 Exhibit 1 for identification. I'm going to ask you
5 if you recognize that document?

6 A I do.

7 Q Is that a photocopy of the statement that
8 was reduced to writing by State's Attorney
9 Matthews?

10 A It is.

11 Q Is it a true and accurate reproduction of
12 that handwritten statement?

13 A Yes.

14 Q Does that statement bear your signature?

15 A It did.

16 Q On which page?

17 A On page 1, page 2 and page 3.

18 Q Did that document bear the signatures of
19 any other persons besides yourself?

20 A It did.

21 Q What signatures are those?

22 A On all the pages adjacent to my signature
23 is the defendant David Randle, Detective James
24 Boylin and the State's Attorney Miss Matthews.

1 Q Now, Detective Basile, in any of the
2 conversations that you had with the defendant
3 there at Area 2 Headquarters on the 4th or 5th of
4 January was he handcuffed while these
5 conversations were taking place?

6 A He was not.

7 Q During any of the conversations that you
8 had with the defendant on the 4th and 5th of
9 January did he ever tell you that I want to remain
10 silent?

11 A No.

12 Q Did he ever tell you that I want to
13 consult with an attorney?

14 A He did not.

15 Q During any of these conversations, did he
16 tell you that he needed medicine?

17 A He did not.

18 Q During any of the time that you were with
19 the defendant did you engage in any sort of
20 physical-- did you hit the defendant or beat the
21 defendant or anything like that during the course
22 of the time that you were with him?

23 A I did not.

24 Q Did you see Detective Wilkens, Boylin or

1 McDermott do any such thing?

2 A I never saw such a thing, no, sir.

3 Q Did you or any of the people did you or
4 any one of you grab him by his testicles, grab his
5 testicles and torture him in such a fashion?

6 A No, sir.

7 Q Did you employ any psychological coercion
8 on the defendant in order to get him to give up
9 his Constitutional rights and Miranda rights and
10 speak to you?

11 A No, sir.

12 Q Did you see such a coercive atmosphere
13 when you were in the presence of the defendant?

14 A I did not.

15 Q Did the defendant ever ask you for any
16 food?

17 A No.

18 Q Did the defendant ever ask for any water?

19 A I believe he did and I believe he was
20 given water.

21 Q Was the defendant ever denied any food or
22 denied any refreshment?

23 A He was not.

24 Q Did you ever see the defendant threatened

1 by any one?

2 A. No, sir.

3 MR. KOPEC: Nothing further.

4 THE COURT: Cross examination.

5 CROSS EXAMINATION.

6 BY MR. KENNELLY:

7 Q You were present at the defendant's home
8 when he was was arrested?

9 A Yes.

10 Q Were you present when he was booked at
11 Area 2 Headquarters?

12 A I don't exactly know what point you are
13 referring to. I was present when he was present at
14 Area 2, yes.

15 Q Was he searched after his arrest?

16 A Yes, he was.

17 Q Were you present for the searching of Mr.
18 Randle?

19 A I wasn't standing there when he was
20 searched, no.

21 Q When you first saw Mr. Randle did you
22 notice a scar that he had on the right side of his
23 forehead?

24 A I don't recall it.

1 Q You were present during the course of
2 your investigation on the 4th and 5th of January
3 of 1991. Did you become aware that some pills were
4 found on Mr. Randle?

5 A I'm not aware of it.

6 Q Did you become aware that on the 5th of
7 January Mr. Randle was taken to Roseland Community
8 Hospital?

9 A I know that today. I just learned this
10 morning. Up to that point I never knew about it,
11 no.

12 Q Now during the time that Mr. Randle was
13 with you, did he ever take any medication?

14 A No.

15 Q Now you spoke to Mr. Randle at Area 2 for
16 the first time at about 11:30 or 11:45, is that
17 right?

18 A Yes.

19 Q And Detective Boylin and McDermott had
20 spoke to him before that, is that right?

21 A Yes.

22 Q The first time you spoke to him Detective
23 Boylin and McDermott were gone, is that right?

24 A Yes.

1 Q And then while they were-- During the
2 absence of Detecitves Boylin and McDermott you
3 talked to David Randle on 2 separate occasions?

4 A Yes.

5 Q When Boylin and McDermott returned to
6 Area 2, you participated in the interview with
7 David Randle with Detective Boylin present, is
8 that right?

9 A Yes.

10 Q Upon the arrival of Assistant State's
11 Attorney Matthews, you participated in an
12 interview with David Randle with Assistant State's
13 Attorney Matthews present, is that right?

14 A Yes.

15 Q Then after that interview there was
16 another interview where both Detective Boylin,
17 Miss Matthews, you and David Randle were all
18 present for that interview, is that right?

19 A Yes, sir, that is correct.

20 Q Then there was one final interview where
21 there was a written statement prepared, is that
22 right?

23 A Yes.

24 Q And again you, Detective Boylin,

1 Assistant State's Attorney Matthews and Mr. Randle
2 were all present for that?

3 A Yes.

4 Q All of this occurred between 10:30 p.m.
5 On the 4th of January and 2 am on the 5th, is that
6 right?

7 A Approximately accurate, yes.

8 Q Now during the time-- did you spend all
9 the time from 11:30 p.m. Until 2 am with Mr.
10 Randle?

11 A No.

12 Q Did other detectives at Area 2 have
13 access to that interview room?

14 A No.

15 Q Did you ever strike Mr. Randle in the
16 chest or upper body?

17 A No.

18 Q Did you ever make any motions towards Mr.
19 Randle feigning that you were going to strike him?

20 A No, he was cooperative.

21 Q Did you ever grab Mr. Randle by his
22 testicles?

23 Q No.

24 Q Did you ever see any other officers do

1 that?

2 A No.

3 MR. KENNELLY: Nothing further, Judge.

4 THE COURT: Any redirect?

5 REDIRECT EXAMINATION.

6 BY MR. KOPEC:

7 Q The 2 conversations that you had at Area
8 2 when Detectives Boylin and McDermott wre not
9 present, what were those 2 conversations
10 interrupted by?

11 A Interrupted by a phone call that I made
12 to 11th and State to inform Detective Boylin and
13 McDermott some progress had been made.

14 MR. KOPEC: I have no further questions.

15 THE COURT: Anything further?

16 MR. KENNELLY: No, Your Honor.

17 THE COURT: Thank you very much, detective
18 Basile, for coming in.

19 MR. KOPEC: Judge, it's our burden to
20 produce one more witness. He can't make it today.
21 He can't be here tomorrow. Next week we can do it.

22 THE COURT: Let's try it then on 4-30.

23 (Which were all the proceedings had in the
24 above-entitled cause)

EXHIBIT D:

**Article from Chicago Tribune on July 20, 2006 reporting remarks
by Special State's Attorney's on July 19, 2006**

Chicago Tribune

Medical Malpractice Free case review by a lawyer who is also a doctor. Chicago and suburbs chilaw.com
 Illinois Probate lawyer Over 30 years experience in probate administration and litigation www.chicagoprobate.com
 IL Grandparent Visitation Learn about Grandparent Visitation from the attorney who wrote the law www.goldberg-adchoices.com

Home News Business Sports Entertainment Travel Health Opinion Real Estate Cars Jobs Deals

Change of Subject

OBSERVATIONS, REPORTS, TIPS, REFERRALS AND TIRADES

BY ERIC ZORN | E-mail | About | RSS

Thursday, July 20, 2006

The final word on cop torture lacks outrage



Share |

Dude, where's my adjectives?

Where's my "appalling"? My "unconscionable"? My "malignant"? My "degrading and offensive"?

For \$6 million, I expected a far more vigorous use of the thesaurus than I heard during news conference Wednesday morning at which special prosecutors presented the results (.pdf) of a four-year investigation into allegations that Chicago police tortured suspects from the mid 1970s to the early 1990s.

Instead, the most memorable fragment of rhetoric from the event was chief deputy state's attorney Robert Boyle's declaration, "We reflect in the report on what we believe was a bit of a slippage in the (Cook County) State's Attorney's Office at the time of the (Andrew) Wilson case."

Wilson killed two police officers in 1982 and was sadistically worked over during interrogations by an Area 2 police crew led by the now infamous Cmdr. Jon Burge. That beating ultimately proved a window into numerous others incidents, but information about it was brushed off at the time by then States Atty. and now Chicago Mayor Richard M. Daley.

A bit of slippage?

Yes. "We regretfully must say that we think that there was a bit of a slide in the State's Attorney's Office at that time," said Boyle, 69, who was an assistant Cook County state's attorney in the 1960s. "(We realized) full well the uncomfortable position that we would have felt if we were trying to make some judgments relative to procedures followed at the time of, and subsequent to, the questioning of someone who had, in cold blood, killed two young police officers...But I'm not going to do a harangue about it."

A brief harangue would have been nice, actually.

Some indignation. A bit of thunder about violations of the finest traditions of American justice.

Boyle and chief special prosecutor Edward Egan, 83, a former Appellate Court judge who was also a county prosecutor, led a team that spent nearly \$6.2 million, interviewed more than 700 witnesses and found credible allegations that 75 suspects were abused by Chicago Police as part of an "ongoing" practice. They put together the most exhaustive and now final word on a pattern of misbehavior that created a scandal that tarnished local law enforcement worldwide.

And yet they somehow managed to make their presentation boring. In language and in tone, they sounded like a couple of Justice Department bureaucrats laying out a tax-fraud case.

"When you look at the conclusion it should be clear to you that we, as an office, have made the judgment that, at Area 2 and 3 starting in the mid '70s and into the very early '90s, that there was physical violence on parties in custody who were being questioned," Boyle intoned.

He did not use the word "torture" until the Q. & A. period following extended introductory remarks, when WLS Ch. 7 reporter Charles Thomas goaded him into it.

No one used the D-word—"disgrace"—until 80 minutes into the 90 minute news conference when the Tribune's Carlos Sadoval asked for an assessment of the legacy of Jon Burge, who was fired in 1993 and now lives in Florida.

"A disgrace," Boyle said. "Anybody who thinks that it's necessary to solve crime by abusing people to get confessions from them is a disgrace. And I think most policemen would agree with that."

The report is thorough and appropriately cautious about what can and can't be known for sure about events that happened long ago. It's persuasive in explaining why the statute of limitations "regrettably" prevents the state from indicting anyone.

But it fails as an effort to "put this to rest," as Boyle said the report had done. Without the language of anger, regret and even shame to surround the voluminous facts, the stain remains.

"That's not my way," Boyle said afterwards when I asked why he and Egan had so pointedly refused to use such words as "systemic" to describe the police misconduct. "Maybe I'm not a good actor. My job is not to be passionate. My job is to follow a court order. I'm not a politician. I'm not up here to sway anyone. I said that people didn't do their jobs. Maybe if I'd had a little more passion and played some organ music behind me I would have been more effective."

Nah. But a sad song on a violin might have helped.

LINKS FROM THE TRIBUNE:

Report: Suspects tortured -- Fired Chicago police commander Jon Burge and others tortured suspects, but can't be prosecuted.
 - What was Daley's role?

EXHIBIT E:

TIRC database of abuse allegations against Detective George Basile

Basile, George

Victim	Date	Allegations	Source
Lawrence Poree	1979	Shocked; beaten; hit with a gun	Testimony in People v. Sanford
Leroy Sanford	1979	Beaten	Testimony in People v. Sanford
James Lewis: codefendant of E. James	1979	kidnapped from Memphis; beaten; threatened with horror chamber and Fred Hampton fate; "ear cupped"; "nuts" threatened; called "nigger"	Testimony in People v. James and Lewis
Edward James: codefendant of J. Lewis	1979	beaten; threatened w/ horror chamber and Fred Hampton fate; ear cupped; "nuts" threatened; "nigger"	Testimony People v. James and Lewis, Court report
George Powell	1979	Repeatedly shocked on chest and groin; "bagged"; beaten	1/22/92 admission by City in Burge Police Board case
Michael Coleman: codefendant of D. King	1980	Beaten to the body; kicked in the groin; stitches pulled out with tweezers	Testimony in People v. Coleman and King
Derrick King: codefendant of M. Coleman	1980	Beaten with a baseball bat to the body and with a phonebook	Testimony in People v. Coleman and King
James Cody	1983	Beaten to the body with a flashlight; shocked on buttocks and testicles; threatened with castration	Testimony in People v. Cody
Andrew Maxwell: codefendant of J. Thompson and J. Howard	1986	Beaten to the body and face; kicked	7/23/87 testimony in People v. Maxwell, Thompson and Howard
Jerry Thompson: codefendant of A. Maxwell and J. Howard	1986	Kicked; beaten with flashlight to the body; slapped in the face	7/23/87 testimony in People v. Maxwell, Thompson and Howard

Jeffrey Howard: codefendant of A. Maxwell and J. Thompson	1986	Kicked and slapped	7/23/87 testimony in People v. Maxwell, Thompson and Howard
David Randle	1991	Squeezed testicles; denied medication	TIRC Claim Form

EXHIBIT F:

January 22, 1992 admission by City of Chicago re: George Powell
in Burge Police Board Hearing

722

[illegible]

Case No. 1856

Case No. 1857

Case No. 1858

1/

See Exh. A at 13-15.

2. Anthony Holmes

On May 30, 1973 at approximately 4:00 a.m., Anthony Holmes, whose street name is "Satan," was taken to Area II headquarters where he was held, interrogated and tortured for approximately six hours. Respondent Burge presided over his interrogation, during which, in an effort to obtain a confession, plastic bags were placed over Holmes' head, causing him to pass out three times. Burge also applied the end of an electroshock device, housed in a black box, to Holmes' handcuffs, giving Holmes an intense shock which caused him to fall out of his chair and roll on the floor. The shock was extremely painful and caused Holmes to press his jaws together and grit his teeth.

3. George Powell

On September 20, 1979, George Powell was arrested at his girlfriend's house and taken to Area II where he was handcuffed to a wall. Burge brought out a long object with a cord, similar to a cattle prod, and said he was going to do to Powell what he had done to "Satan." Burge shocked Powell on his stomach and chest, such that Powell almost passed out. Also, while slapping and questioning Powell, Burge put a bag over Powell's head, and Powell had to bite a hole in it in order to breathe.

Powell's mother filed a complaint with the Office of Professional Standards, who ultimately made a finding of "not sustained."


testimony of the parade of police officers who will testify that they saw and heard nothing. Indeed, as the testimony of the similar victims shows, respondents counted on the fact that their testimony would be believed over that of a convict when they persisted in their pattern of torture. They should not be permitted now to hide behind their allegations of prejudicial effect to secure exclusion of that telling evidence.

Conclusion

For the alternative and independent reasons stated above, respondents' motion to bar testimony concerning other alleged victims of police misconduct should be denied.

Dated: January 22, 1992

Respectfully submitted,


Daniel E. Reidy
June K. Ghezzi
JONES, DAY, REAVIS & POGUE
225 West Washington Street
Chicago, Illinois 60606
(312) 782-3939

Special Corporation Counsel to
LeRoy Martin, Superintendent of
Police

EXHIBIT G:

Excerpts of testimony of Dr. Barry Lifschultz on February 2, 1993

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
5 COOK COUNTY, ILLINOIS

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS)
8 vs.) Case No. 91-CR-2172
9) Charge: Murder
10 DAVID RANDLE)

11 JURY TRIAL

12 REPORT OF PROCEEDINGS had before
13 the HONORABLE THOMAS A. HETT, Judge of said court, on
14 the 2nd day of February, 1993.

15 APPEARANCES:

16 HONORABLE JACK O'MALLEY,
17 State's Attorney of Cook County, by:
18 MR. WILLIAM KOPEC,
19 MS. MAUREEN FEERICK,
20 Assistant State's Attorneys,
21 appeared on behalf of the People;

22 MS. RITA A. FRY,
23 Public Defender of Cook County, by:
24 MR. JOSEPH KENNELLY,
MR. AL SCARNAVACK,
Assistant Public Defenders,
appeared on behalf of the Defendant.

Mary M. Flagg, CSR
Official Court Reporter
2650 South California Avenue
Chicago, Illinois 60608

1 THE CLERK: David Randle.

2 THE COURT: Okay. We have Mr. Randle back before
3 the Court and all of the lawyers are here. Are you
4 ready to proceed then?

5 THE COURT: Ready? Do you want to get the jurors
6 out.

7 MR. KENNELLY: Thank you, Judge.

8 (The following proceedings
9 were had in the presence
10 and hearing of the jury:)

11 THE COURT: Ladies and gentlemen, thanks for your
12 patience. Because of an emergency matter that I had
13 here we weren't able to bring you out as soon as I had
14 told you yesterday. But thanks for your patience
15 anyway. The doctor has already been sworn, so Mr.
16 Kopec, if you please.

17 MR. KOPEC: Thank you, Judge.

18 DR. BARRY LIFSCHULTZ,
19 a witness called on behalf of the People of the State
20 of Illinois, having been first duly sworn, was
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. KOPEC:

24 Q Sir, would you state your name, please, and

1 Q And one is a stab wound which is a deep
2 penetration with a knife, is that right?

3 A Yes.

4 Q And the other an incised wound is like a cut
5 or a slash, is that right?

6 A Yes.

7 Q So it would be fair to say that one of the
8 wounds Mrs. Lorek had suffered was a slash wound to
9 the throat?

10 A Yes.

11 Q Now also after the post-mortem exam had been
12 completed and Dr. DiJamco had dictated this report of
13 post-mortem exam you reviewed it when it was typed up,
14 is that right?

15 A Yes.

16 Q And you signed that report indicating that it
17 was true and correct, is that right?

18 A Yes, to the best of any knowledge.

19 Q One of the things that you noted in the
20 report of the -- of post-mortem exam concerning Mrs.
21 Lorek was that there was no evidence of post-mortem
22 lividity, is that right?

23 A Yes, that's correct. That's what Dr. DiJamco
24 documented.

1 Q Now post-mortem lividity is a settling of the
2 blood due to gravity, is that right?

3 A Yes.

4 Q And basically that happens after -- When
5 your heart stops beating blood within your body like
6 everything else falls towards the earth, is that
7 right?

8 A Yes.

9 Q And so the places that you find lividity are
10 the places that would be closest to the earth's
11 surface, is that right?

12 A Yes.

13 Q Now once post-mortem lividity appears it can
14 change, is that right?

15 A Yes.

16 Q And if a body is moved soon after death
17 although post-mortem lividity may begin and you turn
18 the body the blood then follows gravity again, is that
19 right?

20 A Yes.

21 Q But after say a period of about nine hours or
22 so the lividity would become fixed, is that correct?

23 A That could happen, yes.

24 Q And after say about nine or ten hours if you

1 moved the body the evidence of lividity should remain
2 where it originally was, is that right?

3 A That's possible, yes.

4 Q Now you also noticed in the external exam of
5 Mrs. Lorek that the cornea of the eye were clear, is
6 that right?

7 A Yes, that's the way they were described.

8 Q And you of course were there with Dr. DiJamco
9 when they made this observation, is that right?

10 A I may not have been there overlooking her for
11 such a small observation.

12 Q Well after death within a short period of
13 hours the cornea of the eyes become cloudy, don't
14 they?

15 A I don't know.

16 Q Well within a -- Well isn't it true, Doctor,
17 that in a period of say 48 to 72 hours the cornea of
18 the eye could be completely opaque?

19 A I don't know.

20 Q Doctor, are you aware of the book Scientific
21 Evidence in Criminal Cases by professors Moenssens,
22 Inbau and Starrs?

23 A I'm not familiar with that book, no.

24 Q You've never reviewed that at all?

EXHIBIT H:

Transcript of Proceedings dated February 2, 1993: Testimony of Ronald
Edwards and Rodney Jones

1 State's Attorney.

2 MS. FEERICK: Your Honor, the People would ask
3 that the identifying marks be stricken from our
4 exhibits and that People's Exhibits Numbers 1 through
5 21 inclusive be admitted into evidence.

6 THE COURT: Pursuant to our discussion that is
7 will be granted over the objections as noted in the
8 record of the defendant. The State has then rested.

9 MS. FEERICK: That's correct, Your Honor. With
10 the admission of those exhibits the People rest.

11 THE COURT: Thank you. Mr. Kennelly, you then
12 have a witness who is prepared to testify.

13 MR. KENNELLY: Yes, Your Honor.

14 THE COURT: Folks the witness has already been
15 sworn.

16 RONALD EDWARDS,
17 a witness called on behalf of the defendant herein,
18 having been first duly sworn, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. KENNELLY:

22 Q Sir, will you tell us your name please?

23 A My name is Ronald Edwards.

24 Q And sir, are you employed?

1 A Yes, I am.

2 Q And what sort of work do you do, sir?

3 A I work for General Motors, design drafter.

4 Q Now Mr. Edwards, back in the month of
5 December of 1990 where did you live?

6 A 12137 South Justine in Chicago.

7 Q Now do you still live at that address now?

8 A No, I was moving at the time. I had just
9 sold my home.

10 Q Now Mr. Edwards, in December of 1990 did you
11 know a lady by the name of Sophia Lorek?

12 A Yes, I did.

13 Q And how was it that you knew her?

14 A Miss Lorek would come down and talk to my
15 kids and play with my kids or give them candy or ask
16 them to cut her grass or something like this.

17 Q Was that around your home at the time?

18 A Yes, it was.

19 Q And so she was a neighbor of yours?

20 A I knew her personally, yes.

21 Q Now Mr. Edwards, do you recall seeing police
22 officers at the home of Mrs. Lorek about the 18th of
23 December of 1990?

24 A No, I didn't. I was at home.

1 Q Did police officers contact you at that time?

2 A Yes, they did.

3 Q At that time did you learn of the death of
4 Mrs. Lorek?

5 A Yes, I did.

6 Q Now prior to learning of the death of Mrs.
7 Lorek do you recall the last time you had seen her?

8 A Probably Saturday morning.

9 Q And do you recall what you saw her doing?

10 A Well on the weekends she would feed the dogs
11 in the junkyard right across the street, and that was
12 Saturday and Sunday mornings between 7:30 and 8:30
13 she's out there.

14 Q 7:30 or 8:30 in the morning?

15 A Correct. At the time I usually run.

16 Q And do you recall seeing her that weekend?

17 A I think I did.

18 Q And that would have been Saturday morning?

19 A Saturday morning early.

20 Q Would that have been the 15th of December
21 then, sir?

22 A I guess it would. I wouldn't know now. That
23 was two years ago.

24 Q But that would have been the Saturday morning

1 prior to the time you saw the police officers?

2 A Right.

3 MR. KENNELLY: Nothing further, Judge.

4 THE COURT: Any cross-examination.

5 CROSS EXAMINATION

6 BY MR. KOPEC:

7 Q Mr. Edwards, what were you doing when you
8 thought you saw Mrs. Lorek?

9 A I jog every morning if the weather is
10 permitting. In the wintertime I jog in the evening
11 time.

12 Q And I take it then you thought you saw her
13 when you were jogging?

14 A I usually see her on Saturday morning
15 especially Saturday and Sunday morning. She would
16 feed the dogs in the junkyard across the street.

17 Q Did you speak to Mrs. Lorek on the day you
18 thought you saw her?

19 A No, I didn't because she was about half a
20 block away.

21 Q Now the 15th of December is one of the
22 shortest daylight days of the year, is it not?

23 A I wouldn't know.

24 Q Well let me ask you this. When you jog in

1 December, late December or mid-December in the morning
2 or at night is it dark outside by the time you get out
3 to jog?

4 A In the morning I jog in the wintertime
5 basically in the morning. I'm off on Saturdays and
6 Sunday. In the evening time I go down to the park
7 instead of jogging through the streets. But that
8 morning it was Saturday morning I know I saw her
9 because it's light Saturday morning I jog in the
10 wintertime. It's light in the morning.

11 Q It was light in the morning?

12 A Right.

13 Q When you saw this woman from half a block
14 away?

15 A From the street to the alley about half a
16 block. About that far away.

17 Q And you think that was Saturday?

18 A Yes, I do.

19 Q And did you jog that Friday evening?

20 A No. It's the wintertime. I get home it's
21 dark. I don't jog too much when it's dark outside.

22 Q So you don't jog on weekdays. Only on
23 weekends?

24 A Right.

1 Q What route do you jog, sir, so we get an idea
2 or that day what route did you jog?

3 A I usually go from 121st Street down to 115th
4 and back about three times.

5 Q On Justine?

6 A No. From Ashland over to Monterey and back
7 down. About six miles total.

8 Q Ashland is sixteen hundred west?

9 A North. Go back to 116th Street.

10 Q Were you jogging on -- forgive me -- were you
11 jogging on Ashland? Is that what you said?

12 A Yes. Going north to 115th, 116th, cross over
13 to the expressway, come down on the other side south.

14 Q Again on Ashland?

15 A Monterey. Across the street it's Monterey on
16 the other side of the expressway.

17 Q And you cover that?

18 A About an hour's time.

19 Q You don't jog on Justine?

20 A No. I come into my house. I leave from my
21 house out to Ashland. I come back from Ashland to my
22 house. Ashland to Justine.

23 Q Now where did you used to live? What was
24 your address?

1 A 12137 South Justine. About three houses down
2 from Miss Lorek.

3 Q Would you see -- Most weekends in the winter
4 would you see Mrs. Lorek when you jog?

5 A On Saturday and Sunday morning?

6 Q Yes.

7 A Yes, she would be up early in the morning
8 feeding the dogs.

9 Q Do you know a Mrs. Mary McIntosh.

10 MR. KENNELLY: Object, Judge. Beyond the scope.

11 THE COURT: Overruled.

12 A No, not by name.

13 BY MR. KOPEC:

14 Q Do you know the McIntosh residence, the house
15 that had a trailer in the back?

16 A Yes.

17 Q Did you know those people?

18 A I saw them coming and going. Not personally.

19 MR. KOPEC: Thank you, Mr. Edwards. I have no
20 further questions, Judge.

21 MR. KENNELLY: We have no other questions for Mr.
22 Edwards, Your Honor.

23 THE COURT: Mr. Edwards, thank you very much for
24 coming in. We appreciate the time you've given us.

1 Thank you.

2 A Thank you.

3 (Witness excused.)

4 THE COURT: Your next witness.

5 MR. KENNELLY: Rodney Jones.

6 RODNEY JONES,

7 a witness called on behalf of the defendant herein,
8 having been first duly sworn, was examined and
9 testified as follows:

10 THE COURT: Thank you, sir. If you would keep
11 your voice up good and loud we would appreciate it.

12 DIRECT EXAMINATION

13 BY MR. KENNELLY:

14 Q Sir, could you tell us your name please?

15 A My name is Rodney Jones.

16 Q Sir, how old are you?

17 A Fourteen.

18 Q And sir, where do you live?

19 A 12154 South Justine.

20 Q And who do you live there with?

21 A Excuse me?

22 Q Who do you live with?

23 A My mother, Lilli Jones.

24 Q How long have you lived at that address, sir?

1 A Fourteen years.

2 Q And sir, did you know a lady by the name of
3 Sophia Lorek?

4 A Yes.

5 Q How did you know that lady?

6 A Like she was my neighbor.

7 Q Now sir, did you become aware at some point
8 that Mrs. Lorek had died?

9 A After the police came and told us, yes.

10 Q Now sir, can you recall the last time you saw
11 Mrs. Lorek before the police came and told you that
12 she had died?

13 A Friday on the way to school.

14 Q You say Friday on your way to school?

15 A Yes.

16 Q And where was it that you saw her?

17 A She was in her window toward the -- Well
18 it's like her door but it's toward the junkyard.

19 Q Did you notice anything about her when you
20 saw her on your way to school that Friday?

21 A No, I didn't.

22 Q Did you notice anything about her house?

23 A No.

24 Q Now Mr. Jones you said the police officer

1 came and talked to you and told you Mrs. Lorek had
2 died, is that right?

3 A Yes.

4 Q Now do you remember talking to the police
5 officer?

6 A Yes, I do.

7 Q And do you remember was that a detective?

8 A I think so. He didn't have on no police
9 clothes.

10 Q He didn't have a police uniform on, is that
11 right?

12 A No.

13 Q He had on plain clothes, kind of like what I
14 do, is that right?

15 A Yes.

16 Q And when you talked to the detective did he
17 tell you his name?

18 A I don't remember.

19 Q Was he a black man or a white man?

20 A He was a white man.

21 Q When you talked to the detective did you tell
22 him that you believed the last time you saw Mrs. Lorek
23 was the Monday just before you -- just before the
24 police came and talked to you?

1 A Yes.

2 Q Did you tell the police officer at that time
3 that when you saw Mrs. Lorek on that Monday that you
4 believed her window was broken at that time?

5 A Yes.

6 MR. KENNELLY: Nothing further, Judge.

7 CROSS EXAMINATION

8 BY MS. FEERICK:

9 Q Rodney, how old were you when you found out
10 that Sophie died?

11 A Twelve.

12 Q And how did you feel when you found out that
13 someone had died?

14 A I was shocked and plus I was scared.

15 Q The day the police talked to you was that the
16 same day you found out about Sophie?

17 A Uh-huh. Yes.

18 Q How much after your finding out about Sophie
19 did the police talk to you?

20 A Excuse me.

21 Q How long. How much time passed between you
22 finding out about Sophie dying and the police officer
23 talking to you?

24 A It was like right after.

1 Q When was the last time you saw Sophie Lorek?

2 A I told the police Monday but that was like
3 when I was like wasn't sure but after I recalled it
4 was Friday.

5 Q And where did you see her?

6 A She was in her doorway next to the junkyard.

7 Q Now did you see her on Saturday?

8 A No, I didn't.

9 Q Do you ever go out with the other kids in the
10 neighborhood over the weekends?

11 A Uh-huh.

12 Q Where do you guys play?

13 A We play in the street. Like all up and down
14 the street we'll play.

15 Q Sophie has a big yard, doesn't she?

16 A Yes.

17 Q Did you kids ever play in her yard?

18 A No, she wouldn't let us.

19 Q Did you ever notice anything about her house
20 on Saturday?

21 A Not Saturday, but it could have been Saturday
22 or Sunday I noticed that the glass was broke that's
23 right in front of her big lot.

24 Q On Saturday or Sunday?

1 A Yes.

2 Q Are you sure which day or it just was over
3 the weekend?

4 | A Over the weekend.

5 Q Did you tell anybody when you noticed that
6 broken glass?

7 A No, I didn't because it was -- I thought
8 probably like somebody was throwing like rocks or
9 could have broke it or something.

10 MS. FEERICK: Thank you, Rodney.

11 MR. KENNELLY: No redirect.

12 THE COURT: Okay, thank you very much, Mr. Jones.
13 Thanks for coming in. We appreciate the time you've
14 given us.

15 (Witness excused.)

16 Ladies and gentlemen, it's 4:30 and I believe
17 that this is all of the evidence that's available for
18 today. We will have one more witness as I understand
19 it tomorrow. We will then have the final arguments
20 and you will be deliberating somewhere around
21 noontime.

22 Please don't talk about the case among
23 yourself as you are going home today or when you are
24 reassembling. Please don't talk about the case among